

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ROD WHEELER,

Plaintiff,

v.

TWENTY-FIRST CENTURY FOX, INC.,
FOX NEWS NETWORK LLC, MALIA
ZIMMERMAN, in her individual and
professional capacities, and ED BUTOWSKY,
in his individual and professional capacities,

Defendants.

Civil Action No. 17-05807

DECLARATION OF DAVID B. HARRISON

I, DAVID B. HARRISON, of full age, hereby certify as follows:

1. I am an attorney-at-law in the State of New York and Partner of the law firm Spiro Harrison, attorneys for Defendant Ed Butowsky (“Butowsky”).
2. I make this Certification in support of Butowsky’s Motion to Dismiss the Amended Complaint.
3. Attached hereto as Exhibit 1 is a true and correct copy of a report made on April 25, 2017 by Plaintiff Rod Wheeler (“Wheeler”) detailing his meeting with Det. DellaCamera of the Metropolitan Police Department.
4. Attached hereto as Exhibit 2 is a true and correct copy of an email from Defendant Malia Zimmerman (“Zimmerman”) to Wheeler and Butowsky dated May 15, 2017 at 1:20pm with the subject “small changes included - current draft.”
5. Attached hereto as Exhibit 3 is a true and correct copy of an email from Zimmerman to Wheeler and Butowsky dated May 15, 2017 at 3:59pm with the subject “please read carefully.”

6. Attached hereto as Exhibit 4 is a true and correct copy of a screenshot of text messages between Zimmerman, Wheeler, and Butowsky dated May 15, 2017.

7. Attached hereto as Exhibit 5 is a true and correct copy of an email from Zimmerman to Wheeler and Butowsky dated May 15, 2017 at 4:47pm with the subject “draft turned in.”

8. Attached hereto as Exhibit 6 is a true and correct copy of a screenshot of text messages between Zimmerman and Wheeler dated May 15, 2017.

9. Attached hereto as Exhibit 7 is a true and correct copy of a Fox 5 DC new article dated May 17, 2017 titled “Family's private investigator: There is evidence Seth Rich had contact with Wikileaks prior to death.”

10. Attached hereto as Exhibit 8 is a true and correct copy of a New York Times article dated May 17, 2017 titled “How the Murder of a D.N.C. Staff Member Fueled Conspiracy Theories.”

11. Attached hereto as Exhibit 9 is a true and correct copy of Rod Wheeler's May 22, 2017 Statement Regarding the Seth Rich Investigation published on Fetch Your News website, available at <https://fannin.fetchyournews.com/2017/05/22/detective-rod-wheeler-releases-statement-concerning-the-death-of-dnc-staffer-seth-rich/>.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

SPIRO HARRISON

Dated: December 1, 2017

s/ David B. Harrison
David B. Harrison